

Call to Order:

The meeting was called to order at 7:41 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi (arrived at 7:50 pm), Joan Duff, John McDonnell (arrived at 8:10 pm), and associate member Mark Yanowitz; also present were Paul Materazzo, Director of Planning, and Jacki Byerley, Planner.

Minutes:

On a motion by Ms. Anderson, seconded by Ms. Duff, the Board voted to approve the minutes as submitted for Jan. 12th and March 1, 2010. **Vote** Unanimous (4-0)

Cider Hill Way:

On a motion by Ms. Anderson, seconded by Ms. Duff, the Board voted to approve the performance guarantee to secure the proper construction and completion of the services and ways for Cider Hill Way subdivision in the amount of \$28,900.00, as recommended by the Department of Public Works in a memo dated March 24, 2010. **Vote** Unanimous (4-0)

Warrant Article P-43:

The Board opened the discussion, that was continued from the Feb. 9th meeting, on warrant article P-43 to amend the Wetland Protection By-law Article XIV, Section XIV, Section 5, Fees. This warrant article would remove the Conservation Commission's existing fee structure and allow the commission to be consistent with the state's schedule for the charging of fees. Ms. Byerley reviewed a memo to the Board from Bob Douglas, Director of Conservation, outlining the proposed changes. The Board asked about the Conservation review process. Ms. Byerley reviewed the bidding requirements set forth in Mass. Gen. Laws ch. 30b and reviewed the Planning Board's peer review process. William Macleod, of Andover Consultants, noted that an applicant should have at least 3 bids in order to keep costs down. He also stated that the peer reviewer for Conservation is 3 times the cost to determine a wetland line. Ms. Anderson had questions about the Conservation process, and she wants to see the wording of the state language. Mr. Materazzo reviewed the peer review process and noted that, if the cost is under \$5,000, the project does not have to go out to bid. If it's over \$5, then the bidding process must be followed. Mr. MacLeod discussed the wetland bylaw fee, the fee schedule of DEP and Conservations fees. Ms. Duff would like more information as to why Conservation wants to change the wording to be consistent with the state. Following a detailed discussion, the Board requested more information from the Conservation Division as to why they want to change the language, what issues have occurred and how many times they have run out of funds.

Arbor Lane:

The Board opened the public hearings that were continued from the Feb. 9th meeting on an application by Fieldstone Meadows Development Corp. for a Definitive Subdivision Plan and a Special Permit for Earth Movement entitled Arbor Lane, located at Acorn Drive and Clark Road. William MacLeod, of Andover Consultants representing the applicant, gave an overview of the proposed changes, which included the porous pavement and catch basin,. He noted he would have the final plans delivered on Thursday. Ms. Anderson questioned if the project has to comply with the town's Stormwater Management By-law. Ms. Byerley noted one acre of disturbance triggers the Stormwater Management By-law. Mr. Macleod noted that the by-law states the State does not require compliance if the project is under 4 lots. The Board questioned

Arbor Lane (cont.):

the porous pavement and how they would ensure future homeowners will not fill in the depressions. Ms. Byerley noted there has to be a deed restriction for the depressions, roof dry wells, and porous pavement on the driveways. She also reviewed two outstanding items; a waiver request for the sidewalks, and the Operation and Maintenance Plan for each lot. Catherine Hauer, 4 Hazelwood Drive, handed out an e-mail with pictures of water problems she has experienced since the construction of the 3 Hazelwood Dr. pool house and expressed concerns that the construction will cause the water flow to backup, causing more water problems for her. Chairman Salafia reviewed the peer review process and noted that the drainage cannot have an adverse effect on neighboring properties. Mr. Macleod noted that a swale is being reconstructed which will help the water flow and the peer reviewer reviewed the entire watershed for the site. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to continue the public hearings on an application by Fieldstone Meadows Development Corp. for a Definitive Subdivision Plan and a Special Permit for Earth Movement entitled Arbor Lane located at Acorn Drive and Clark Road until April 13, 2010 at 8:30 p.m. **Vote** Unanimous (5-0) (It should be noted Mr. McDonnell arrived during the discussion.)

Pine Forest Park:

The Board opened the public hearings that were continued from the February 9th meeting, on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park located off Flash Rd., North Reading. Ms. Byerley reviewed the applicant's reasons to continue the public hearings without discussion. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park located off Flash Rd., North Reading, without discussion until May 11, 2010 at 8:00 p.m. **Vote** Unanimous (5-0)

Faith Lutheran Church:

The Board opened the discussion that was continued from the Feb. 23rd meeting on an application by Faith Lutheran Church of Andover, Inc. for a Site Plan Review for the construction of an addition to the existing facility located at 360 South Main Street. Ms. Byerley reviewed the applicant's request to continue the site plan review without discussion. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public meeting on an application by Faith Lutheran Church of Andover, Inc. for a Site Plan Review for the construction of an addition to the existing facility located at 360 South Main Street without discussion until May 11, 2010 at 8:00 pm. **Vote** Unanimous (5-0)

Warrant Articles P-44, P-45, & P-46:

The Board opened the public hearings that were continued from the March 9th meeting for Warrant Articles:

Article P-44 to Amend Article VIII Section 2.2 Overlay Districts by adding a new section 2.2 Andover Smart Growth Overlay District.

Article P-45 to Amend Article VIII section 8.0 Special District Regulations by adding a new section 8.7 Andover Smart Growth Overlay District consisting of 24.33 acres in the vicinity of North Main, Pearson, Essex and Railroad Streets.

Article P-46 to Amend Article VIII Section 2.3 (District Boundaries) and make to appropriate changes to the zoning maps of Andover Mass., to depict the Andover Smart Growth Overlay. Mr. Materazzo reviewed his memo to the Board, dated March 24, 2010, including the revised language from the Department of Housing and Community Development (DHCD). Mr. Chiozzi noted that his comments regarding increasing the height and greater density were not incorporated. Mr. Materazzo noted there are waivers provisions in the bylaw and reviewed the language in the by-law. The Board reviewed the proposed changes. Mr. Yanowitz stated that with the topography of the area there is an opportunity to increase the height and density. Mr. Materazzo noted there is flexibility to increase the density and height. Mr. Chiozzi stated that he is concerned there will be appeals associated with waivers. Mr. McDonnell noted that waiver requirements are different from a variance, in that, with a variance, there is a hardship requirement. The Board discussed the waiver provision, the revised by-law language and the draft regulations. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to recommend approval of Articles P-44, 45, and 46 at Town Meeting. **Vote** Unanimous (5-0)

Warrant Article 29:

Article 29 Town Yard Land/Building Acquisition. Mr. Materazzo reviewed his memo to the Board, dated March 30, 2010, and noted that the Board had reviewed and approved Article 28 Town yard Land/Building Acquisition with Debt Exemption. Mr. Materazzo noted the FinnCom suggested the second article, Article 29, to allow flexibility for the Town to issue bonds or notes. The Board discussed the article and took no action on the article.

Adjournment: The Board voted to adjourn the meeting at 9:08 p.m.